

EXHIBIT 13

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION) No. 17-md-2804
4 OPIATE LITIGATION NO. 2804)
)
5 APPLIES TO ALL CASES) Hon. Dan A. Polster
)

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7 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
8 CONFIDENTIALITY REVIEW

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VIDEO DEPOSITION OF JEFFREY KILPER

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February 6, 2019

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1 I'll do my best to rephrase the question in a way that
2 we can be sure that we're communicating. If you don't,
3 you answer the question, I'm going to assume that you
4 understood it. Is that fair?

5 A. Yes.

6 Q. And I -- based on your first couple
7 answers I don't think this will be an issue, but let's
8 try not to talk over each other. So if you'd let me
9 finish my question, you'll have a chance to answer, and
10 I'll do my best to let you finish your answer before I
11 ask my next question. Okay? Is that fair?

12 A. Fair.

13 Q. Okay. Good. What do you do presently for
14 work?

15 A. I'm employed by Mallinckrodt in the
16 finance department.

17 Q. What is your position?

18 A. Senior director of finance in our
19 specialty generics division.

20 Q. Which Mallinckrodt entity is actually your
21 employer?

22 A. I don't know. I work for Mallinckrodt. I
23 work for -- specialty generics is the business unit.

24 Q. You don't know in what subsidiary or

1 entity that's located?

2 A. Our assets were put into Specialty
3 Generics LLC, so that's what I associate myself with.

4 Q. What does your paycheck say?

5 A. I don't typically look at paychecks. It's
6 all direct deposit, so I have no idea.

7 Q. So you don't know where the money that
8 pays you comes from?

9 A. I do not.

10 Q. What does it mean to be a senior director
11 of finance?

12 A. So I'm on the business support side of
13 things, so I business partner with our commercial team
14 and do forecasting, budgeting, report on our actual
15 results. I also business partner on the operations
16 side as well. I have responsibility for our
17 manufacturing sites.

18 Q. Who do you report to?

19 A. I currently report to Matt Harbaugh.

20 Q. For how long have you been reporting to
21 Mr. Harbaugh?

22 A. Currently I've been reporting to him for
23 two or three months. Since the beginning of December,
24 I believe.

1 Q. Do you know who made that decision?

2 A. I don't. I'm as -- I don't.

3 Q. What would you assume?

4 A. That it was someone else in finance that
5 made the decision.

6 Q. Somebody above you in finance?

7 A. Yes.

8 Q. Do you think it was Mr. Kegler?

9 A. I don't know.

10 Q. Who did he report to at that time?

11 A. Matt Harbaugh.

12 Q. Do you think Mr. Harbaugh made the
13 decision to move you to hospital therapies?

14 A. I don't know for sure.

15 Q. Do you know what positions Mr. Harbaugh
16 held with Mallinckrodt PLC?

17 A. Again, you're talking legal entities. I
18 don't know.

19 Q. From the operational standpoint, did you
20 make distinctions between the legal entities within
21 Mallinckrodt?

22 A. From an operational perspective, I did
23 not. I would say that from an intercompany
24 transactions perspective, there are distinctions that

1 are made for transactional purposes, but I typically am
2 not involved in transactional-level activities.

3 Q. Did Mallinckrodt -- let's go back, let's
4 say, since the Covidien spinoff. Do you remember when
5 that happened? You remember there was a spinoff from
6 Covidien at some point?

7 A. I do.

8 Q. So let's take it from that time forward.
9 Was there a board of directors for the companies that
10 you worked for?

11 A. Again, I worked for Mallinckrodt. I
12 didn't associate -- I associated that with a company,
13 not a legal entity, so we had a board of directors, we
14 were publicly traded, yes.

15 Q. Who -- was Mr. Harbaugh ever on the board
16 of directors?

17 A. Not to my knowledge.

18 Q. Did he ever serve on any board committees
19 that you're aware of?

20 A. Not that I'm aware of.

21 Q. Do you know any of the people who served
22 on the company board of directors?

23 A. I have met -- I'm trying to recall her
24 name -- Joanne was the audit chair, and I served on the

1 A. I don't know.

2 Q. Well, from your perspective?

3 MR. BERG: Object to form.

4 A. It's -- I work for Mallinckrodt and I work
5 in specialty generics. Yes --

6 BY MR. CHALOS:

7 Q. You don't make any distinction between the
8 various entities from your perspective?

9 A. Businesses I do for sure.

10 Q. What about -- do you make any distinction
11 between Mallinckrodt PLC and any other Mallinckrodt?

12 MR. BERG: Object to form.

13 BY MR. CHALOS:

14 Q. You I'm talking about personally.

15 A. I generally don't involve myself with
16 legal entities.

17 Q. What you do you mean by that?

18 A. I focus on the business that I support,
19 and it's a business, so the business I currently
20 support is specialty generics. At this time it was
21 hospitals -- therapies.

22 Q. And you paid no mind to whether it was
23 located within Mallinckrodt PLC or any other
24 Mallinckrodt?